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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/565,445

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Chad Andrew Lefevre

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Robert D. Shedd, Patent Operations  
THOMSON Licensing LLC  
P.O. Box 5312  
Princeton, NJ 08543-5312

EXAMINER

ZHAO, DAQUAN

ART UNIT

PAPER NUMBER

2621

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/565,445	<b>Applicant(s)</b> LEFEVRE, CHAD ANDREW	
	<b>Examiner</b> DAQUAN ZHAO	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-3, 5-9, and 11 have been considered but are moot in view of the new ground(s) of rejection.

### ***Specification***

A brief abstract of the technical disclosure in the specification must commence on a separate sheet, preferably following the claims, under the heading "Abstract" or "Abstract of the Disclosure." The sheet or sheets presenting the abstract may not include other parts of the application or other material. The abstract in an application filed under 35 U.S.C. 111 may not exceed 150 words in length. The purpose of the abstract is to enable the United States Patent and Trademark Office and the public generally to determine quickly from a cursory inspection the nature and gist of the technical disclosure.

Please file a new abstract in separate sheet.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al (US 5,809,204) and further in view of Takinami (US 2004/0,013,402 A1).

For claim 1, Young et al teach method for time-shifting a presentation of multimedia content using a recorder (e.g. column 13, lines 18-30) comprising:

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receiving a first stream of multimedia content on a first channel (e.g. column 13, lines 18-30 and column7, lines 1-11 and figure 1, user can use the system of Young et al to schedule record tow program from different channel, for example user can schedule record “All My Children” in channel 13 beginning at 11:00AM ,and then record "All my Child” in channel 7, beginning at 12:00Pm);

storing the first stream of multimedia content to a data store associated with the recorder; receiving a channel change request (e.g. column 13, lines 18-30 and column7, lines 1-11 and figure 1, user can use the system of Young et al to schedule record tow program from different channel, for example user can schedule record “All My Children” in channel 13 beginning at 11:00AM ,and then record "All my Child” in channel 7, beginning at 12:00Pm, Channel number has to change when going from channel 13 to channel 7);

receiving a second stream of multimedia content on a second channel correlating to the channel change request (e.g. column 13, lines 18-30 and column7, lines 1-11 and figure 1, user can use the system of Young et al to schedule record tow program from different channel, for example user can schedule record “All My Children” in channel 13 beginning at 11:00AM, and then record "All my Child” in channel 7, beginning at 12:00Pm);

storing the second stream of multimedia content to the data store while retaining the first stream of multimedia content in the data store (e.g. column 13, lines 18-30 and column7, lines 1-11 and figure 1, user can use the system of Young et al to schedule record tow program from different channel, for example user can schedule record “All

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"My Children" in channel 13 beginning at 11:00AM ,and then record "All my Child" in channel 7, beginning at 12:00Pm. The recorder of Young et al is a tape record as shown in figures 22A-B, Therefore, These two program have to be retained in the tape);

receiving a rewind trick mode request (e.g. column 10, lines 3-13 and figure 13, "Reversing");

presenting the second stream of multimedia content in reverse (e.g. column 10, lines 3-13 and figure 13, "Reversing"); and

presenting the first stream of multimedia content in reverse after reaching a beginning of the second stream of multimedia content (e.g. column 10, lines 3-13 and figure 13, "Reversing", Since "All my Children" in channel 13 is recorded at 11:00AM and "All my Child" in channel 7" is recorded at 12:00 Pm on the tape, user can "reversing" playback the tape beginning from the later recorded program);.

However, Young et al fail to teach receiving a channel change request during storing of the first stream. Takinami teaches receiving a channel change request during storing of the first stream (e.g. paragraph 8). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Takinami into the teaching of Young et al to reduce the distortion of the video image caused by the video signals at the time of channel switching are recorded (see Takinami, paragraph 7).

Claim 6 is rejected for the same reasons as discussed in claim 1 above.

For claims 2 and 7, Young et al teach assigning at least one identifier to each of the first and second streams of multimedia content to identify a sequence in which the first and second streams of multimedia content are recorded (e.g. column 8, lines 15-50, tape indexing that automatically finds the starts of each recording).

For claims 3 and 8, Young et al teach assigning at least one identifier to each of the first and second streams of multimedia content to identify a channel from which the first and second streams of multimedia content are recorded (e.g. figure 1 shows the channel number 7 for "All my Child" and channel 13 for "Al my Children").

For claims 5 and 11, Young et al teach receiving a play request; presenting the first stream of multimedia content; and presenting the second stream of multimedia content after reaching an end of the first stream of multimedia content (user can playback the Tape after the tape is rewind back to the first recorded program, figure 21).

For claim 9, Young et al teach a user input device through which a user can choose a user selectable function to perform a desired recorder operation (e.g. figure 21).

Applicant's amendment necessitated the new ground(s) of rejection presented in this office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEG § 706.07 (a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing data of this action. In the event a first reply is filed within TWO MONTHS of the mailing data of this action and the advisory action is not mailed

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until after the end of the THREE-MONTH shortened statutory period. Then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daquan Zhao/

Examiner, Art Unit 2621

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621